

### **REMARKS**

This Amendment is offered in response to the Office Action of March 26, 2007. The Office Action objected to the informalities of the specification, including the format of abstract, the headings of the sections, and the listing of the application's relationship to PCT/DK04/00438. The Office Action also rejected claims 1-11 under 35 U.S.C. §112, second paragraph as being indefinite. Further, the Office Action rejected claims 1 and 6 under 35 U.S.C. §102(b) as being anticipated by Lachenmeier et al. (U.S. Patent No. 6,298,636). Claims 2-5 were considered allowable if rewritten to overcome the 35 U.S.C. §112, second paragraph rejection.

In response, applicant has amended the specifications to remove the informalities pointed by the Examiner. Further, claims 1-4, 6-7, and 10-11 have been amended to conform to the current U.S. practice to overcome the 35 U.S.C. §112, second paragraph indefinite rejection. No new matter is added.

#### **Rejection of claims 1 and 6 under U.S.C. §102(b) over Lachenmeier**

As noted above, claims 1 and 6 have been rejected as being anticipated by Lachenmeier. In response, Applicant respectfully submits that the invention claimed by claims 1 and 6 are different from the disclosures, teachings and suggestions of Lachenmeier. Therefore, the invention claimed in claims 1 and 6 are not anticipated by Lachenmeier.

First, Lachenmeier does not disclose, teach or suggest the inventions claimed in claims 1 and 6. Lachenmeier relates to a method and apparatus for packaging stacks of goods arranged on a pallet in a shrinkable foil. *See* Column 1, lines 7 through 25 of Lachenmeier. Second, in Lachenmeier, a vertically oriented foil hood is formed by the first gripper means (103) and the hood is moved to the second gripper gripper means (16). *See* Column 3 lines 44 to 50, lines 59 to 67 and Column 4, lines 23-31 of Lachenmeier. Third, due to the orientation of the method and apparatus of Lachenmeier, the object to be packaged must be

transferred into the apparatus before the packaging can occur. See Column 4, lines 62-65 of Lachenmeier.

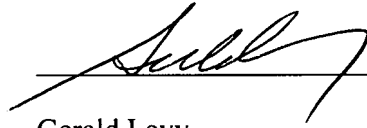
In contrast, the packaging of objects under the system and method of the presently claimed invention is not limited to goods that are stacked on a pallet. See page 6, lines 1-5 of the specification. Further, the presently claimed invention arranges a horizontally oriented bag-shaped film using two seizer elements. See page 2, line 18 to page 3 line 17. The horizontal orientation of the bag-shaped film in the method and system of the presently claimed invention allows the object to be packaged to be covered entirely with the film and further allows the objects to be packaged to be continuously packaged as the object enters the apparatus in the horizontal direction. See page 4, lines 13 to 16 and page 5, lines 23 to 31 of the specification.

The amendments made to the claims 1-4, 6-7, and 10-11 in response to 35 U.S.C. §112, second paragraph further clarifies the directional orientation of the present invention.

Since the invention presently claimed are different from the teachings, suggestions and disclosures of Lachenmeier, invention claimed in claims 1 and 6 are not anticipated by Lachenmeier.

Applicant respectfully requests that a Notice of Allowance be issued in this case. Applicant does not believe that any fees are due. However, if any additional fees are due, please charge such sums to our Deposit Account 50-1145.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Gerald Levy", is written over a horizontal line.

Gerald Levy  
Registration No. 24,419

Lindsay S. Adams  
Registration No. 36,425

Attorneys for Applicant

Day Pitney LLP  
7 Times Square  
New York, New York 10036-7311  
(212) 297-5800